

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

September 14, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA,

VS.

3.51 ACRES OF LAND, MORE OR LESS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:08-CV-343

**ORDER**

The Court now considers the “United States of America’s Brief on Just Compensation” (Dkt. No. 237) and the minutes from the just compensation hearing on August 26, 2021. Minute Entry (Aug. 26, 2021). After considering the brief, record, and relevant authorities, the Court holds that **\$4,543.25** is the just compensation for a twenty-five percent (25%) interest in Tracts RGV- HRL-3004 and RGV-HRL-3004E.

**IT IS HEREBY ORDERED AND ADJUDGED** that:

- a. The full and just compensation payable by the United States for the taking of a twenty- five percent (25%) interest in Tracts RGV-HRL-3004 and RGV-HRL-3004E shall be the sum of four thousand five hundred forty-three and 25/100 dollars (\$4,543.25), plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by Defendants against the United States for the institution and prosecution of the above-captioned action.
- b. Final judgment is now entered against the United States in the amount of four thousand five hundred forty-three and 25/100 dollars (\$4,543.25) for its taking of a twenty-five percent (25%) interest in Tracts RGV-HRL-3004 and RGV-HRL-3004E, along with

any accrued interest.

- c. Title to Tracts RGV-HRL-3004 and RGV-HRL-3004E vested in the United States by operation of law on July 1, 2008. *See* 40 U.S.C. § 3114(b)(1). Subsequently, the United States deposited an additional four thousand five hundred forty-three and 25/100 dollars (\$4,543.25) into the Registry of the Court (Dkt. Nos. 182 and 238).
- d. Possession of Tracts RGV-HRL-3004 and RGV-HRL-3004E was surrendered to the United States on September 12, 2008, after the Court granted immediate possession to the United States.
- e. The total sum of four thousand five hundred forty-three and 25/100 dollars (\$4,543.25) currently on deposit with the Registry of the Court, with accrued interest, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
- f. The Clerk of Court shall, without further order of the Court, disburse the four thousand five hundred forty-three and 25/100 dollars (\$4,543.25) deposited in the Registry of the Court, plus any accrued interest earned thereon while on deposit, as follows:

- i. **\$37.87** shall be payable by check, with accrued interest, to each of the following Defendants:

	<b>Defendant</b>	
1.	Irene Aguilar	\$37.87
2.	Ninfa Aguilar	\$37.87
3.	Ruben Aguilar	\$37.87
4.	Elodia Aguilar	\$37.87
5.	Ricardo Aguilar	\$37.87

- ii. **\$37.86** shall be payable by check, with accrued interest, to each of the following

Defendants:

	<b>Defendant</b>	
6.	Esther Aguilar Fox	\$37.86
7.	Ysabel Aguilar Rangel	\$37.86
8.	Jesse Edward Bejaran	\$37.86
9.	Maria E. Bejaran	\$37.86
10.	San Juana Bejaran	\$37.86
11.	James Lopez, Administrator of the Estate of Susanna Lopez	\$37.86
12.	Epifanio Longoria	\$37.86
13.	Andrew Bejaran	\$37.86
14.	Benito Canales	\$37.86
15.	Gloria Castillo	\$37.86
16.	Richard Cavin	\$37.86
17.	Norma Chizer	\$37.86
18.	Amelia B. Cochran	\$37.86
19.	Beatrice Cryer	\$37.86
20.	Linda Marina De La Rosa	\$37.86
21.	Ramona A. Duenes	\$37.86
22.	Andrew Elizondo, III	\$37.86
23.	Angela Faisal	\$37.86
24.	Anita Foster	\$37.86
25.	Ruben C. Foster	\$37.86
26.	Juan C. Foster	\$37.86
27.	Rene Foster	\$37.86
28.	Guillermo Foster	\$37.86
29.	Christopher Lee Foster	\$37.86
30.	Robert Foster, Jr.	\$37.86
31.	Elizabeth M. Fuentes	\$37.86
32.	Alma Garcia	\$37.86
33.	Guadalupe Garcia	\$37.86
34.	Lucille M. Garcia	\$37.86
35.	Melissa Garcia	\$37.86
36.	Melissa A. Garcia	\$37.86
37.	Esmeralda Garcia	\$37.86
38.	Eliseo Garza, Jr.	\$37.86
39.	Seferina Gonzalez	\$37.86
40.	Olivia Harper	\$37.86
41.	Rebecca Hinojosa	\$37.86
42.	Velma Howe	\$37.86
43.	Maricela Jimenez	\$37.86
44.	Joaquina B. Juarez	\$37.86

45.	David Longoria	\$37.86
46.	Norma Longshore	\$37.86
47.	Gilberto Lopez	\$37.86
48.	Josephine B. Lopez	\$37.86
49.	Mary McBroom	\$37.86
50.	Diana McGrail	\$37.86
51.	Diana Molina	\$37.86
52.	Blanca Montemayor	\$37.86
53.	Ana M. Moody	\$37.86
54.	Luis Rene Moody	\$37.86
55.	Silverio Moody	\$37.86
56.	Cynthia Ann Moody	\$37.86
57.	Jesse D. Moody	\$37.86
58.	Esmeralda Moody	\$37.86
59.	Jimmy E. Moody	\$37.86
60.	Juan Jose Moody	\$37.86
61.	Patricia Moody	\$37.86
62.	Santiago Moody	\$37.86
63.	Jesse Moody	\$37.86
64.	Eleazar Moody, Jr.	\$37.86
65.	Jimmie Moody, Jr.	\$37.86
66.	Maricela Ochoa	\$37.86
67.	Guadalupe E. Ochoa	\$37.86
68.	Josie Rios Pope	\$37.86
69.	Rene Reyes	\$37.86
70.	Gilberto Rios	\$37.86
71.	Marcos Rios	\$37.86
72.	Dominga Rodriguez Martinez	\$37.86
73.	Olivia Rosales	\$37.86
74.	Viola Ross	\$37.86
75.	Bernarda Ruiz Longoria	\$37.86
76.	Mary Rush	\$37.86
77.	Olivia C. Salinas	\$37.86
78.	Siria Segura Foster	\$37.86
79.	Enedina Sosa	\$37.86
80.	Tomasita Torres	\$37.86
81.	Salvador Torres	\$37.86
82.	Yvonne B. Tudela	\$37.86
83.	Ida Villarreal	\$37.86
84.	Mirelvia Zavala	\$37.86
85.	Daniel Longoria, Jr.	\$37.86

- iii. **\$37.86** due to each of the following Defendants<sup>1</sup> (for a total of \$1,290.10) shall remain in the Registry of the Court to be disbursed in the event any of these Defendants come forward:

	<b>Defendant</b>	<b>Amount</b>
86.	Monica Bejaran	\$37.86
87.	Ruby Bejaran	\$37.86
88.	Manuel Bejaran, Jr.	\$37.86
89.	Tomas Bejaran, Jr.	\$37.86
90.	Jonathan Castaneda	\$37.86
91.	Thomas Castaneda	\$37.86
92.	Henry Elizondo	\$37.86
93.	Israel Elizondo	\$37.86
94.	Henry Elizondo, Jr.	\$37.86
95.	Oliva Foster	\$37.86
96.	Denise Longoria	\$37.86
97.	Daniel Longoria, Jr.	\$37.86
98.	Sylvia McGrath	\$37.86
99.	Joseph Moody	\$37.86
100.	Juliana Moody	\$37.86
101.	Molly (aka Mollie) Moody	\$37.86
102.	Maria Moreno	\$37.86
103.	Angelo Moreno	\$37.86
104.	Erin Moreno	\$37.86
105.	Frank Perez, Jr.	\$37.86
106.	Aurora Rosales	\$37.86
107.	Heirs of Joseph Bejaran	\$37.86
108.	Heirs of Eleazar Castaneda	\$37.86
109.	Heirs of Ismael Castaneda	\$37.86
110.	Heirs of Guillermo “Willie” Foster	\$37.86
111.	Heirs of Eduardo Moody	\$37.86
112.	Heirs of Gilberto Moody	\$37.86
113.	Heirs of Juan Moody	\$37.86
114.	Heirs of Tomasa Moody	\$37.86
115.	Heirs of Bernardino Moody	\$37.86
116.	Heirs of Alberto Rosales	\$37.86
117.	Heirs of Arnalfo Rosales	\$37.86
118.	Heirs of Arturo Rosales	\$37.86
119.	Heirs of Rosendo Rosales	\$37.86
120.	Heirs of Alejandro Rosales	\$37.86

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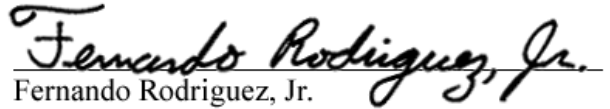
<sup>1</sup> These Defendants were all served through publication (Dkt. No. 131), but have never come forward.

- g. As the owners of a twenty-five percent (25%) interest in Tracts RGV-HRL-3004 and RGV-HRL-3004E on the date of taking, the above referenced Defendants have the exclusive right to the compensation herein; excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and (b) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for Tracts RGV-HRL-3004 and RGV-HRL-3004E, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants, to the date of repayment into the Registry of the Court.
- i. Defendants shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
- j. There being no outstanding taxes or assessments due or owing, Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
- k. Defendants shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.

- l. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the properties taken in this proceeding on the date of taking.
- m. This Order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

**IT IS HEREBY ORDERED** that this case shall be **CLOSED** on the Court's docket.

SO ORDERED at Brownsville, Texas, this 13th day of September 2021.

  
Fernando Rodriguez, Jr.  
United States District Judge

